

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DOROTHY M. HENIGAN,

Plaintiff,

v.

ORDER
02-CV-255A

INDEPENDENT HEALTH ASSOCIATION,
INC.,

Defendant.

This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr. pursuant to 28 U.S.C. § 636(b)(1). On May 9, 2003, defendant filed a motion for summary judgment. On March 3, 2005, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendant's motion be granted.

Plaintiff filed objections to the Report and Recommendation on March 24, 2005, and on April 11, 2005 the defendant filed a response.¹

¹ Oral argument was scheduled for June 9, 2005, but was adjourned upon request of the plaintiff. Upon review of the papers, the Court finds that the facts and legal arguments are adequately presented by the parties' papers and the decisional process would not be significantly aided by oral argument.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendant's motion for summary judgment is granted. The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

Dated: July 18, 2005